

## Message Text

LIMITED OFFICIAL USE

PAGE 01 CAPE T 00283 130755Z

17

ACTION AF-06

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /051 W  
----- 026342

R 121540Z MAR 75

FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC 4468  
INFO AMCONSUL DURBAN  
AMCONSUL JOHANNESBURG  
AMEMBASSY PRETORIA

LIMITED OFFICIAL USE CAPE TOWN 0283

E.O. 11652: N/A

TAGS: PINT, SF

SUBJECT: SCHLEBUSCH TRIALS: KOTZE PLEADS

SUFFICIENT CAUSE

REF: CAPE TOWN 0835 OF 1974

1. AFTER NINE POSTPONEMENTS, TRIAL OF CAPE REGIONAL DIRECTOR OF CHRISTIAN INSTITUTE (CI), THEO KOTZE, WAS HEARD IN PRETORIA MAGISTRATE'S COURT MARCH 10 AND 11. KOTZE JUSTIFIED HIS SEPT 1973 REFUSAL TO TESTIFY BEFORE SCHLEBUSCH COMMISSION INVESTIGATING CI ON GROUNDS OF "SUFFICIENT CAUSE."

2. HE SAID THAT HE SAW APPOINTMENT OF COMMISSION AS ONLY SLIGHTLY VEILED SAG ATTEMPT TO SILENCE CI, AND THAT HE BELIEVED COMMISSION MEMBERS, SOME OF WHOM HAD CRITIZED CI IN PUBLIC, WERE INCAPABLE OF IMPARTIAL JUDGMENT. OTHER REASONS FOR HIS REFUSAL TO TESTIFY WERE THAT WITNESSES HAD NOT BEEN ALLOWED LEGAL REPRESENTATION, NOR PERMITTED TO CROSS EXAMINE OTHER WITNESSES, AND THAT THE COMMISSION HAD CONDUCTED ITS PROCEEDINGS BEHIND CLOSED DOORS.

3. GOVERNMENT LAWYERS ARGUED THAT KOTZE HAD NOT SHOWN SUFFICIENT CAUSE. THEY ASSERTED THAT CITIZENS ARE OBLIGED

LIMITED OFFICIAL USE

PAGE 02 CAPE T 00283 130755Z

TO TESTIFY BEFORE A COURT OF LAW AND SIMILAR DUTY EXISTS

FOR GIVING EVIDENCE BEFORE PARLIAMENTARY APPOINTED COMMISSION. GOVERNMENT ALSO CONTENDED THAT, ACCORDING TO LAW, COMMISSION NOT OBLIGED TO GRANT RIGHTS OF LEGAL COUNSEL AND CROSS EXAMINATION TO WITNESSES.

4. JUDGMENT IN CASE HAS BEEN POSTPONED UNTIL MAY 12.

5. MEANWHILE, ACCORDING TO CAPE CI SOURCE, BEYERS NAUDE IS IN PROCESS OF RE-APPEALING HIS CONVICTION TO SUPREME COURT. THAT COURT HAD PREVIOUSLY REJECTED HIS ASSERTION THAT REFUSAL TO TESTIFY JUSTIFIED BECAUSE FULL COMMISSION OF INQUIRY HAD NOT BEEN PRESENT AT HEARING (REFTEL). NAUDE'S CURRENT APPEAL WILL BE BASED ON SAME "SUFFICIENT CAUSE" ARGUMENT OFFERED BY KOTZE.

6. CI SOURCES STILL EXPECT GOVERNMENT TO DECLARE IT AN AFFECTED ORGANIZATION. CI CAPE TOWN OFFICES ARE TRIMMING STAFF AND SELLING SOME PROPERTY (MICROFILM MACHINES, ETC.) TO BUILD UP FINANCES FOR WHAT THEY VIEW AS ALMOST CERTAIN COMING CRUNCH.

HURD

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975CAPET00283  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750087-0778  
**From:** CAPE TOWN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750360/aaaacbhc.tel  
**Line Count:** 82  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION AF  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 CAPE TOWN 0835, 75 OF 1974  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 28 AUG 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <28 AUG 2003 by ShawDG>; APPROVED <02 SEP 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SCHLEBUSCH TRIALS: KOTZE PLEADS SUFFICIENT CAUSE  
**TAGS:** PINT, SF, (KOTZE, THEO), (SCHLEBUSCH)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006